

HOUSE No. 702

By Mr. Murphy of Burlington, petition of Charles A. Murphy and others for legislation to convene a statewide grand jury. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Charles A. Murphy
Thomas F. Reilly

David Paul Linsky

In the Year Two Thousand and Five.

AN ACT RELATIVE TO STATEWIDE GRAND JURY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 statewide grand jury act.

1 SECTION 2. Upon written application of the attorney general
2 to the chief justice of the Superior Court Department, with good
3 cause stated therein, the chief justice may authorize the convening
4 of a statewide grand jury with jurisdiction extending throughout
5 the Commonwealth of Massachusetts.

1 SECTION 3. The chief justice of the Superior Court Depart-
2 ment shall, upon granting an application, receive recommenda-
3 tions from the attorney general as to the county in which the
4 statewide grand jury shall sit. Upon receiving the attorney gener-
5 al's recommendations, the chief justice will choose one of those
6 recommended locations as the site where the grand jury shall sit.
7 Once a county has been selected, the chief justice shall direct the
8 regional administrative judge from the county selected to appoint,
9 and reappoint as necessary, a superior court judge to preside over
10 the statewide grand jury.

1 SECTION 4. The presiding superior court judge shall consult
2 with the attorney general and district attorney for the relevant dis-
3 trict about the nature and scope of the investigation, and shall
4 thereafter designate and authorize an existing county grand jury to
5 serve as a statewide grand jury for purposes of the investigation
6 specified in the written application, or, alternatively, convene and
7 preside over a specially empaneled statewide grand jury.

1 SECTION 5. A specially empaneled statewide grand jury shall
2 be drawn and selected in the same manner as the county grand
3 jury in the county in which the specially empaneled statewide
4 grand jury sits. A specially empaneled statewide grand jury may,
5 at the discretion of the presiding superior court judge, draw jurors
6 from counties adjoining the one in which it is to sit.

1 SECTION 6. A specially empaneled statewide grand jury con-
2 vened pursuant to this act shall sit for a period not to exceed six
3 months. Such period may be extended if, in accordance with
4 General Laws chapter 277, section 1A, and General Laws
5 chapter 234A, section 41, public necessity requires further time by
6 the grand jury to complete an investigation then in progress.

1 SECTION 7. The attorney general or his assistant shall attend
2 each session of a statewide grand jury, and may prosecute any
3 indictment returned by it. The attorney general or his assistant
4 shall have the same powers and duties in relation to a statewide
5 grand jury that he has in relation to a county grand jury, except as
6 otherwise provided by law.

1 SECTION 8. Indictments shall be returned in the county where
2 the statewide grand jury sits, and shall thereafter be transferred to
3 the county specified by the grand jury on the indictment. Venue
4 for purposes of trial of offenses indicted by a statewide grand jury
5 shall be in any county where venue would otherwise be proper.

1 SECTION 9. No provision of this act shall be construed as
2 limiting the jurisdiction of county grand juries or district attorneys
3 in the Commonwealth. Except as otherwise provided by law, an

4 investigation by a statewide grand jury shall not be deemed to pre-
5 empt an investigation by any other grand jury or agency having
6 jurisdiction over the same subject matter.